



Entered on Docket
August 26, 2011


Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Fourth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Eagle Meadows Loan**

Hearing Date: July 26, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The "Eagle Meadows Loan ("Eagle Meadows Loan") [DE 8563] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Eagle Meadows Loan; and good cause
2 appearing:

3 **IT IS ORDERED** that:

4 1. The Objection [DE 8563] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the Eagle Meadows Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**
10

11 By /s/ John Hinderaker (AZ #018024)
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13 John Hinderaker (*pro hac vice*)
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16 *Attorneys for USACM Liquidating Trust*
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1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):4 _____
5 This Court has waived the requirement set forth in LR 9021(b)(1).6 _____
7 XXX No party appeared at the hearing or filed an objection to the motion.8 _____
9 I have delivered a copy of this proposed order to all counsel who
10 appeared at the hearing, and any unrepresented parties who appeared
11 at the hearing, and each has approved or disapproved the order, or
12 failed to respond, as indicated below [list each party and whether the
13 party has approved, disapproved, or failed to respond to the
14 document]:

15 Counsel appearing: _____

16 _____
17 I certify that this is a case under Chapter 7 or 13, that I have served a
18 copy of this order with the motion pursuant to LR 9014(g), and that
19 no party has objected to the form or content of the order

14 U.S. Trustee: <u>Augie Landis</u>	15 <input type="checkbox"/> approved the form of this order	16 <input type="checkbox"/> disapproved the form of this order
17 <input checked="" type="checkbox"/> waived the right to review the 18 order and/or	19 <input type="checkbox"/> failed to respond to the document	20
21 Other Party: _____	22	23
24 <input type="checkbox"/> approved the form of this order	25 <input type="checkbox"/> disapproved the form of this order	26
26 <input type="checkbox"/> waived the right to review the 27 order and/or	28 <input type="checkbox"/> failed to respond to the document	

21 Submitted by:

22 LEWIS AND ROCA LLP

23 By: */s/ John Hinderaker. (AZ #018024)*

24 Attorneys for USACM Liquidating Trust

25 # # #

**USACM Trust
Eagle Meadows
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Eagle Meadows Development Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Eagle Meadows Development Loan
10725-00552	10/12/2006	Tiano, Norman	Eagle Meadows Development Ltd 7070 Rock Dove St Carlsbad, CA 92011-5025	50,000.00	50,000.00
10725-00553	10/12/2006	Tiano, Norman	Meadow Creek Partners LLC 7070 Rock Dove St Carlsbad, CA 92011	100,000.00	100,000.00
10725-01118	11/9/2006	Wade, Marlee	2314 Tall Timbers Ln Marietta, GA 30066	50,000.00	50,000.00
10725-00399	10/2/2006	Walls Family Trust Dtd 12/10/97	C/O Joseph P & Ellen Walls Tees 2778 Bedford Way Carson City, NV 89703-4618	200,000.00	200,000.00
10725-01451	11/16/2006	Wonders Marlin L & R Yvonne	4262 E Catalina Ave. Mesa, AZ 85206	50,000.00	50,000.00

EXHIBIT A